

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Re: ECF Nos. 23612 and 23943

**URGENT CONSENSUAL MOTION FOR EXTENSION OF DEADLINES REGARDING
MOTION REQUESTING PAYMENT OF SEVERANCE DAMAGES**

To The Honorable United States District Court Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Puerto Rico Highways and Transportation Authority (“HTA” or the “Debtor”) pursuant to section 315(b) of the *Puerto Rico Oversight, Management and Economic Stability Act* (“PROMESA”),² respectfully submits this urgent motion for an order

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA is codified at 48 U.S.C §§ 2101-2241.

further extending the briefing schedule related to the *Motion Requesting Payment of Severance Damages* [ECF No. 23612] (the “Motion”) and represents as follows:

REQUEST FOR RELIEF

1. On February 23, 2023, Adrián Mercado Jiménez, Teresa Vizcarrondo Toro, and their conjugal society (collectively, “Movants”) filed the Motion, seeking payment in an amount of \$197,597.00 in connection with HTA’s purported expropriation of certain property, as described further in the Motion.

2. On February 24, 2023, the Court entered the *Order Scheduling Briefing of Motion Requesting Payment of Severance Damages* [ECF No. 23621] (the “Initial Scheduling Order”).

3. Since the entry of the Initial Scheduling Order, the parties requested, and the Court has granted, three extensions of the deadlines established therein to facilitate an information exchange between counsel for the Oversight Board and Movants to obtain additional information concerning the assertions made in the Motion.

4. Most recently, on April 6, 2023, the Oversight Board filed an urgent motion [ECF No. 23941] to extend the operative deadlines, which the Court granted [ECF No. 23943] (the “Scheduling Order”). The Scheduling Order established a deadline of April 21, 2023 for the filing of any responsive papers (the “Objection Deadline”) and a deadline of April 28, 2023 for the filing of Movant’s reply papers (the “Reply Deadline”), with the Motion to be taken under submission thereafter unless the Court determined otherwise.

5. Counsel for the Oversight Board has been in communication with Movants regarding additional information concerning the assertions made in the Motion, and as of the filing of this Motion, Movants have submitted additional information which the Oversight Board is in the process of analyzing. The Oversight Board therefore submits this Urgent Motion to request a

further extension of the Objection Deadline and Reply Deadline to permit the Oversight Board to complete its assessment and for the Oversight Board to further discuss the Motion with Movants. Movants have been informed of and have no objection to the extension requested herein.

6. Accordingly, with the Movants' consent, the Oversight Board respectfully requests that the Court enter an order, substantially in the form attached hereto as **Exhibit A** (the "**Proposed Order**"), extending the Objection Deadline and Reply Deadline to **May 5, 2023**, and **May 12, 2023**, respectively.

7. Pursuant to Paragraph I.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1 in Case No. 17-3283] (the "**Case Management Procedures**"), HTA hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

NOTICE

8. HTA has provided notice of this Urgent Motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the Puerto Rico Fiscal Agency and Financial Advisory Authority (AAFAF); (c) counsel for AAFAF; (d) counsel to the statutory committees appointed in these Title III cases; (e) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (f) all parties filing a notice of appearance in these Title III cases; and (g) Movants. A copy of the Urgent Motion is also available on the Commonwealth's case website at <https://cases.primeclerk.com/puertorico/>.

9. HTA submits that, in light of the nature of the relief requested herein, no other or further notice need be given.

WHEREFORE, HTA requests the Court enter the Proposed Order and grant HTA such other relief as is deemed just and proper.

Dated: April 20, 2023
San Juan, Puerto Rico

Respectfully submitted,

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the Puerto Rico Highways and
Transportation Authority*

CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer

EXHIBIT A

Proposed Order

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Re: ECF Nos. 23612 and 23943

**[PROPOSED] ORDER GRANTING URGENT CONSENSUAL MOTION FOR
EXTENSION OF DEADLINES REGARDING MOTION REQUESTING
PAYMENT OF SEVERANCE DAMAGES**

Upon the *Urgent Consensual Motion for Extension of Deadlines Regarding Motion Requesting Payment of Severance Damages* (Docket Entry No. ____ in Case No. 17-3283, the “Urgent Motion”);² and the Court having found it has subject-matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue in this district is proper

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² Capitalized terms not otherwise defined herein shall have the meanings given to them in the Urgent Motion.

pursuant to PROMESA section 307(a); and the Court having found the Debtor provided adequate and appropriate notice of the Urgent Motion under the circumstances and no other or further notice is required; and upon the record herein, after due deliberation thereon, the Court having found good and sufficient cause exists for the granting of the relief as set forth herein:

1. The Urgent Motion is **GRANTED** as set forth herein.
2. The Scheduling Order shall be modified as provided herein.
3. The following briefing schedule shall apply for filing responsive pleadings to the Motion:
 - The deadline for parties to file an opposition to the Motion shall be **May 5, 2023**.
 - The deadline for the Movant to file a reply to all oppositions and responses shall be **May 12, 2023**.
4. The Court will thereafter take the Motion on submission unless it determines otherwise.
5. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.
6. This Order resolves Docket Entry No. _____ in Case No. 17-3283.

Dated: _____, 2023.

SO ORDERED:

HONORABLE LAURA TAYLOR SWAIN
United States District Judge